

REMARKS

Claims 1, 2, and 4-13 are pending. Claims 1, 6, and 10-11 have been amended. Support for the amendments can be found in the Specification as filed at least on page 3, line 19 - page 4, line 14; page 6, lines 1-10; page 7, lines 11-20; page 8, lines 12-16; page 10, lines 12-22; and FIGS. 1-5. Claims 9 and 13 have been canceled. Claims 14 and 15 have been added. No new matter has been added. The rejections of the claims are respectfully traversed in light of the amendments and following remarks, and reconsideration is requested.

Rejection Under 35 U.S.C. § 112

Claims 9-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention..

Claim 9 has been canceled and the other relevant claims have been amended to change their dependencies, thus obviating the rejections under 35 U.S.C. § 112, second paragraph.

Objection Under 37 C.F.R. 1.75(c)

Claim 13 is objected to under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 13 has been canceled, thus obviating the objection under 37 C.F.R. 1.75(c).

Rejection Under 35 U.S.C. § 103(a)

Claims 1-2, 6-7, and 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Canadian Patent 636,693 to Blake (hereinafter "Canadian '693" or "Blake") in view of Vollmer et al. (U.S. Pat. No. 4,795,189 hereinafter "Vollmer").

Claims 8 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Canadian '693 in view of Vollmer as applied to Claim 6, and further in view of German Patent 19711392 C1.

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Claims 4-5 and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Canadian '693 in view of Vollmer as applied to Claims 1 and 9, and further in view of German Published Application 1,680,095.

Applicants resubmit that there is no motivation to combine Canadian '693 and Vollmer, and even if combined, Canadian '693 in view of Vollmer fall short of disclosing all the limitations of Claims 1 and 6.

Canadian '693 discloses the following:

The invention relates generally to a safety seat construction . . . which protects the driver and passengers against injury resulting from dislodging the vehicle engine and its steering post from their mountings in the event of an automobile accident.

It is an object of the present invention . . . to provide a safety seat for automobiles in which the passenger is protected from injuries caused by the rearward movement of the automobile engine or the steering post in the event of an accident.

A further object of the invention is to provide an automobile seat which is adapted to be moved rearwardly of the automobile in the event of a front end collision or similar impact in order to move the passengers or driver out of the path of movement of the automobile engine and the steering post in the event that the latter are dislodged from their mountings.

The foregoing and other objects are realized . . . by the provision of a seat support for the front seat of an automobile, which support is mounted for movement rearwardly of the vehicle in the event of an accident. (Blake, col.1, ll.1-42) (emphasis added).

Thus, Canadian '693 discloses a carriage structure 25 that moves a front seat rearwardly in order to protect against a rearward moving engine and steering post. Canadian '693 does not disclose or suggest the need for using cables to transmit power because direct and optimal transmission of power from engine 11 to carriage 25 is disclosed for moving the front seat backward. Applicants submit that a cable system has a greater possibility of failure in the scenario envisioned in Canadian '693 where the engine moves sufficiently backward to encroach upon the front seat space. Furthermore, Canadian '693 does not disclose or suggest the use of cables for tilting or raising a seat as such a function would not protect against a rearward moving engine and steering post.

Applicants further submit that Vollmer discloses the following:

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A cable 5 is connected to a steering column 4 provided with a steering wheel 3. . . . in case of movement (arrow 6) of the transmission 2 as a result of a collision, the cable 5 may withdraw the steering wheel 3 from a site of potential danger to the driver. (Vollmer, col.3, ll.42-47).

Preferably, the steering column 4 is at least partially corrugated to render it collapsible under certain impact conditions. (Vollmer, col.6, ll.7-9).

[C]ables 15' and 16' may be branched off from cables 15 and 16 and connected to the front seats 27 and 28 to raise or tilt them backwardly in case of a frontal collision. (Vollmer, col.6, ll.1-5).

Thus, Vollmer discloses that the steering column is removed as a potential harm to the driver. Vollmer does not otherwise disclose or suggest the need for protection against a rearward moving engine. Instead, Vollmer discloses that "[g]uide and anchoring means 17 and 18 are positioned to the left and right side of the transmission 2 and are affixed to sections of the chassis . . . which even in case of a collision are not likely to collapse or compress." (Vollmer, col.3, ll.56-60). If the engine were to come through and collapse guide and anchoring means 17 and 18, the cable system of Vollmer would fail. For these reasons, Vollmer only discloses using cables to raise or tilt the front seats. Vollmer does not disclose or suggest using cables to move the front seats backward, any structure for doing so (e.g., a slide mechanism, rails), or the need to do so because the cable system in Vollmer is for the case where there is no danger from a rearward moving engine or steering column. In fact, as shown in FIG. 2 of Vollmer, there is no room for the front seats to translate backwards because of rear seats 33 and 34.

Accordingly, there is no motivation to combine Canadian '693 with Vollmer because Canadian '693 does not disclose or suggest the need or desirability for using cables let alone cables for tilting or lifting a front seat, as taught in Vollmer, and Vollmer does not disclose or suggest the need to translate the front seat backwards for protection against a rearward moving steering column or engine.

Applicants note that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. In re Kotzab, 217 F.3d 1365, 1371 (Fed. Cir. 2000); MPEP § 2143.01.

Hindsight should not be used to combine prior art elements to establish obviousness.

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Furthermore, as noted above, even if Canadian '693 were modified to use the cables as disclosed in Vollmer, the cables would be used only to raise or tilt the front seats of Canadian '693 and not for backward translation.

Neither Canadian '693 nor Vollmer, alone or in combination, disclose or suggest "a power transmission mechanism transmitting the backward movement of said structure to said seat, to thereby move said seat backward, wherein the power transmission mechanism is a cable," as recited in Claim 1.

Similar to Claim 1, Claim 6 recites "a cable disposed between the rigid body and the occupant compartment, and affixed to the seat, so as to transmit the backward motion of the rigid body to the seat to thereby move the seat backward in the event of a front-end collision."

Furthermore, even if Canadian '693 were modified to use reversing rails or guides 20 of Vollmer wherever the cable needs to change direction, such as where cables 15' and 16' make right angles behind the seats 27, 28, a plurality of guides 20 would be required behind the seats since at least two right angles are disclosed. (Vollmer, Fig. 1).

Neither Canadian '693 nor Vollmer, alone or in combination, disclose or suggest "a guide fixed to the vehicle body, around which the cable is drawn back, one end of said cable affixed to said seat," as recited in Claims 1 and 6.

Therefore, because there is no motivation to combine Canadian '693 with Vollmer, and because even if combined, Canadian '693 and Vollmer, alone or in combination, do not disclose or suggest all the limitations of Claims 1 and 6, Claims 1 and 6 are patentable over Canadian '693 in view of Vollmer.

Claims 2, 4, and 5 are dependent upon Claim 1 and Claims 7, 8, and 10-12 are dependent upon Claim 6, and contain additional limitations that further distinguish them from the cited references. German Patent 19711392 C1 and German Published Application 1,680,095 do not remedy the deficiencies of Canadian '693 and Vollmer noted above. Therefore, Claims 2, 4, 5, 7, 8, and 10-12 are allowable for at least the same reasons provided above with respect to Claims 1 and 6.

Claim 13 has been canceled, thus obviating rejections on Claim 13.

New Claims 14 and 15 are dependent upon Claims 1 and 6, respectively, and contain additional limitations that further distinguish them from the cited references. Therefore, Claims

14 and 15 are allowable for at least the same reasons provided above with respect to Claims 1 and 6, respectively.

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CONCLUSION

For the above reasons, Applicants believe pending Claims 1, 2, 4-8, 10-12, and 14-15 are in condition for allowance and allowance of the Application is hereby solicited. If the Examiner has any questions or concerns, the Examiner is hereby requested to telephone Applicant's Attorney at (949) 752-7040.

## Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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Respectfully submitted,

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